

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**ANTONIO PECK, a minor, by and through his parents and next friends, JO ANNE PECK and KENLEY LESTER PECK**

VS.

**CASE NUMBER: 5:99-CV-1847 (NAM)**

**BALDWINVILLE CENTRAL SCHOOL DISTRICT, CATHERINE MCNAMARA ELEMENTARY SCHOOL, ROBERT CREME, individually and in his official capacity as Principal of Catherine McNamara Elementary School, and THEODORE GILKEY, individually and in his official capacity as Superintendent for Baldwinsville Central School District**

**Decision by Court.** This action came to trial and hearing before the Court.  
The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That pursuant to the Second Circuit remand of this action, it is Ordered that the Complaint is DISMISSED for lack of subject matter jurisdiction. Judgment is entered in favor of the defendants' and this case is closed.

All of the above pursuant to the order of the Honorable Judge Norman A. Mordue, dated the 12<sup>th</sup> day of January, 2010.

DATED: January 12, 2010

  
Clerk of Court

s/

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Joanne Bleskoski  
Deputy Clerk